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5 IN THE UNITED STATES DISTRICT COURT  
6  
7 FOR THE NORTHERN DISTRICT OF CALIFORNIA  
8

9 WILLIAM MARR,

No. C 09-05978 WHA

10 Plaintiff,

11 v.

12 BANK OF AMERICA, NATIONAL  
13 ASSOCIATION,

14 Defendant.  
\_\_\_\_\_ /

**ORDER DENYING DEFENDANT'S  
ADMINISTRATIVE MOTION TO  
FILE UNDER SEAL EXHIBIT A TO  
MINER DECLARATION**


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16 Plaintiff moved for leave to file a third amended complaint, and the motion was briefed  
17 and heard on shortened time because the dispositive motion deadline is fast approaching. (At  
18 the hearing on the motion, the undersigned stated that the motion would be decided  
19 concurrently with anticipated summary judgment motion(s).) Along with its opposition to  
20 plaintiff's motion for leave to file a new complaint, defendant moved to file one of the exhibits  
21 — Exhibit A — to the declaration of Attorney Katina Miner under seal. The motion solely  
22 states that the grounds for sealing are "that portions of the Miner Declaration attach as an  
23 exhibit materials that the Bank has designated 'CONFIDENTIAL' and for 'Internal Use Only'  
24 pursuant to the Protective Order" (Dkt. No. 51).

25 Civil Local Rule 79-5(a) states: "A sealing order may issue only upon a request that  
26 establishes that the document, or portions thereof, is privileged or protectable as a trade secret  
27 or otherwise entitled to protection under the law." Moreover, an order approving a stipulated  
28 protective order subject to stated conditions in this matter specifically called out that the parties  
must comply strictly with Civil Local Rule 79-5 and the law related to sealing (Dkt. No. 23).

1 Defendant's administrative motion fails to do so. It states no reason whatsoever why Exhibit A  
2 should be sealed. Therefore defendant's administrative motion is **DENIED**. Defendant shall file  
3 the rest of the Miner declaration publicly, and shall comply with Civil Local Rule 79-5(e) to  
4 determine whether Exhibit A will be filed publicly or withdrawn.

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6 **IT IS SO ORDERED.**

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8 Dated: January 31, 2011.

  
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WILLIAM ALSUP  
UNITED STATES DISTRICT JUDGE